

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA

v.

LISA BIRON

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Crim. No. 1:12-cr-140-PB

**GOVERNMENT’S PARTIAL OBJECTION TO DEFENDANT’S
MOTION TO RETURN PROPERTY**

The United States of America, through its attorney, Donald Feith, Acting United States Attorney for the District of New Hampshire, hereby responds to the defendants Motion for Return of Property. The defendant was convicted of manufacturing and possessing child pornography and is currently serving a 40-year term of incarceration. The defendant seeks return of all items seized from her residence on November 16, 2012 which are itemized in the FBI’s Receipt for Property Received (Defendant’s Exhibit 1).

The majority of the items the defendant seeks are electronic devices with storage capacity and digital media storage devices (items 1- 9; 11- 17; 19-21; 23; 25; 27-43). The FBI is reviewing these items to ensure that that none of the devices contain any images of child pornography as that term is defined in 18 U.S.C. § 2256. The FBI will complete its review of these items within 30 days of the filing of this response. Within 15 days of the completion of the FBI’s review, the United States will return the items that do not contain images of child pornography and will file a motion seeking to destroy as contraband any items found to contain images of child pornography.

The United States objects to the return of the following items: **Item #10**, “(5) pages of paperwork from planned parenthood” addressed to the minor victim in this matter and **Item # 24**, “set of medical records” for the minor victim. As these items are not the property of the

defendant, the United States asks that the Court allow the United States to return the records to the minor victim's legal guardian.

The United States will return the remaining items listed in the defendant's motion to her designated representative (items 18; 22 and 26).

WHEREFORE, the United States prays that this Honorable Court:

1. Deny the defendant's Motion with respect to Items #10, #24 and any items found to contain illegal images of child pornography, and
2. Grant such other relief as may be just and equitable.

Respectfully Submitted,

DONALD FEITH
Acting United States Attorney

Date: April 30, 2015

By: /s/ Helen White Fitzgibbon
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing response was mailed this date to Lisa Biron, FMC Carswell, P.O. Box 27137, Fort Worth, TX 76127 and forwarded via ECF to James Moir, Esq, 5 Green Street, Concord, NH counsel for defendant Lisa Biron.

/s/ Helen White Fitzgibbon
Helen White Fitzgibbon
Assistant U.S. Attorney